

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
July 31, 2015**

**PI 15-15**

**TO:** County Social Service  
Division of Juvenile Services  
Chafee Independent Living – PATH  
Tribal Offices  
Regional Supervisors

**FROM:** Kelsey Bless, Permanency Administrator

**SUBJECT:** APPLA & Notification of Removal in Chapter 624-05

**PROGRAMS:** Foster Care

**EFFECTIVE:** **August 1, 2015**

**RETENTION:** Until Manualized

North Dakota Children and Family Services (CFS) will have a series of new policy issued to the field in the next two months as we comply with the PL 113-183 “*Preventing Sex Trafficking and Strengthening Families Act*”. This federal legislation can be viewed at <https://www.congress.gov/bill/113th-congress/house-bill/4980/text>.

This issuance is specific to NDCC 27-20 state law changes to accommodate the federal regulations, which CFS has incorporated into state policy:

- APPLA at age 16+
  - NDCC 27-20-02(15)(f)
- Notification of Removal
  - NDCC 27-20-38(3)

**Another Planned Permanent Living Arrangement (APPLA)**

624-05-15-115-30, 624-05-15-115-30-10, 624-05-25, 624-05-15-20-20

Effective August 1, 2015, Another Planned Permanent Living Arrangement (APPLA) shall be selected as a permanency goal for a child age 16 or greater only after reunification, adoption, legal guardianship, and relative placement have been ruled out. If the custodian concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency goal for the child age 16 or greater another planned permanent living arrangement (APPLA), the custodian must document to the court the

compelling reason for the alternate plan.

In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether and, if applicable, when the child, aged 16 or older, will be placed in another planned permanent living arrangement. The court shall:

- 1) Verify the child is age 16 or greater;
- 2) Ask the child whether the child has a desired permanency outcome of APPLA,
- 3) Make a judicial determination explaining why APPLA is the best permanency plan for the child, and
- 4) Identify the compelling reasons it continues not to be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative.

Youth under the age of 16 who have "APPLA" listed as their permanency goal today are considered in compliance until their next permanency hearing. At that time, the APPLA goal will need to be adjusted if the child does not meet the age requirement.

#### **Notice to Relatives to Child's Removal 624-05-15-50-23**

Effective August 1, 2015

Agencies are required to exercise due diligence to identify and provide notice to the following relatives: parents, parents of a sibling of the child entering foster care who have legal custody of the sibling, all adult grandparents, and any other adult suggested by the parents, subject to exceptions due to family or domestic violence, within 30 days of child's removal.

For the purposes of this section, "sibling of the child entering foster care" means:

- a. A brother or sister who has at least one biological or adoptive parent in common;
- b. A fictive brother or sister with a significant bond as identified by the child or parent; or
- c. A child that would have been considered a sibling but for the termination or other disruption of parental rights, including a death of a parent.

The relatives must also be advised of all available options to become a placement resource for the child.

**COURT HARD CARD**

The red laminated HARD CARD will be printed and mailed out to the field and court partners for reference asap. The format has slightly changed to incorporate and clarify the required judicial determinations, permanency hearing requirements, etc. An example of the hard card changes has been attached for reference. The red ink indicates the areas of change.

Thank you.